

Appl. No. : 09/574,736
Filed : May 18, 2000

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In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the following comments.

Discussion of Claim Rejections Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 1, 2, 5, 7, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,675,300, to Jung, et al. (hereinafter "Jung") in view of U.S. Patent No. 6,675,300, to Wecker (hereinafter "Wecker"), in view of U.S. Patent No. 6,396,438, to Seal (hereinafter "Seal") and further in view of U.S. Patent No. 6,392,534 to Flick (hereinafter "Flick"). Claims 8, 9, 13, 12, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jung in view of Flick.

Applicant respectfully disagrees. However, as Applicant has filed with this response a Declaration by Tom Arno, under 37 C.F.R. § 1.131 that Applicant believes removes the Jung reference from consideration, Applicant has not presented arguments in support of the patentability of these claims. In the Declaration, Mr. Arno, a prosecuting attorney for the application, states that the invention claimed in the present application was conceived and reduced to practice prior to March 13, 2000 and was diligently reduced to practice therefrom until the filing of the present application on May 18, 2004. Applicant has included with the Declaration Exhibits A and B, which show conception prior to March 13, 2000 and diligent reduction to practice therefrom. Consequently, Applicant respectfully submits that Jung is not available as a prior art reference under 35 U.S.C. § 103(a). Furthermore, since Jung was the primary reference relied upon in the Office Action, Applicant respectfully submits that the Examiner has failed to provide a valid prima facie rejection.

Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such

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amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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